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Remarks/Arguments

Reconsideration of the pending application is respectfully requested. Claims 1, 3-8, 10-14, 16-25, and 27 remain pending in the present application.

35 U.S.C. § 102 Rejections

The Examiner has rejected Claims 1-27 under 35 U.S.C. 102(b) as being anticipated by WEATHERS, US Patent # 6,210,019 ('019). Applicant's Attorney respectfully traverses the Examiner on this ground of rejection.

Regarding Claims 1, 3-8, 10-14, 16-25, and 27, Examiner alleges that '019 provides a retrofit unit for a fluorescent lighting fixture comprising a chamber having an elongated downwardly protruding bottom wall. Independent Claims 1, 8, 14, 22, 23 and 25 have been amended to incorporate sidewalls in conjunction with the downwardly protruding bottom wall wherein the bottom wall has a ballast substantially contained therein. '019 does not teach side walls in conjunction with a downwardly protruding bottom wall nor does it teach having a ballast substantially contained within the downwardly protruding bottom wall as currently claimed. Claims 3-7, 10-13, 16-21, and 27 presently have this limitation by way of claim dependency. Claims 2, 9, 15 and 26 have been canceled. Since each and every element of the claim limitations are not present in the cited reference, Applicant's Attorney respectfully requests that the Examiner remove said rejection.

Regarding Claim 23, Examiner alleges that '019 teaches a retrofit assembly enclosing an existing fluorescent strip light fixture having an existing ballast. '019 teaches:

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Referring to FIG. 2, unneeded components of the existing lighting fixture, including fluorescent lamps 14 and 16, reflector pan 32, sockets 20, end plates 22 and 24, *and lamp ballast 34, are removed*. The electrical connections to ballast 34 are disconnected, leaving channel 30 and the wires for electrical connection of the retrofit kit. '019, col. 3, ln. 63 – col. 4, ln. 2.

Claim 23 currently claims a retrofit assembly for a fluorescent lighting fixture comprising: *an existing fluorescent lighting fixture having an existing ballast and existing plurality of lamp holders*. Examiner alleges that Applicant does not recite a specific definition of a "fixture" within the claim. However, the fluorescent lighting fixture is defined as having an existing ballast in Claim 23. '019 teaches away from retrofitting an existing lighting fixture having an existing ballast and lamp holders with a retrofit assembly having a retrofit ballast, as currently claimed, by teaching gutting the existing fixture (including removal of the existing ballast in the fixture) and replacing the component parts, as shown in the above excerpt. This is significant in that the retrofit unit of the present invention enables the retrofit unit to be placed over an existing fluorescent strip without the gutting (no ballast removal) of the existing fluorescent strip, saving labor costs. Applicant's Attorney therefore respectfully requests that the Examiner remove said rejection.

Regarding Claim 24, Examiner alleges that '019 provides a method for retrofitting a fluorescent lighting fixture as claimed. Claim 24 includes, "A method for retrofitting a fluorescent lighting fixture, consisting essentially of the steps of:". The steps taught in '019 as shown in the foregoing excerpt require the removal of the ballast as well as the lamps, reflector pan, sockets or holders, and end plates. Many of these steps are eliminated with the present invention saving labor costs in installation. This is the basic and novel characteristic of the

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instant invention. Each and every claim has the limitation of having a ballast on a protruding bottom wall of a retrofit apparatus. Such a configuration eliminates the step of removing an existing ballast in an existing light fixture, as taught in '019. In '019 the removal of the existing ballast is required since a new ballast is affixed to a flat bottom wall of the retrofit unit and room is needed within the existing fixture to accommodate the retrofit ballast. This is shown in the above excerpt of '019, col. 3, ln. 63 – col. 4, ln. 2, and in the FIGS in '019. Since each and every element of the claim limitations are not clearly present in '019 (i.e. no gutting, removal of existing ballast, of the existing fixture), Applicant's Attorney therefore respectfully requests that the Examiner remove said rejection.

As the Examiner is aware, in order to be a proper anticipatory reference, each and every element of the claim limitations must be clearly present in the cited reference. There is no disclosure within the cited references disclosing a retrofit apparatus having a downwardly protruding bottom wall with a ballast attached thereto and two side walls, nor a method of retrofitting a fluorescent lighting fixture not requiring the gutting (removal of existing ballast) of the existing fluorescent lighting fixture. As such, reliance upon the references as proper anticipatory references is inappropriate as each of the elements in the claims are not found therein. Applicant's Attorney respectfully requests that Examiner remove the above rejections.

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Conclusion

Applicant's Attorney asserts that the instant application is in condition for allowance.

Applicant's Attorney therefore respectfully requests that the Examiner allow the pending claims.

However, if the Examiner believes there are other unresolved issues in this case, Applicant's

Attorney of record would appreciate a call at (502) 584-1135.

Respectfully submitted,

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